

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHAMEL NICOLE ANDERSON, §
1811941, §
§
Plaintiff, §
§
v. § Civil Action No. **3:17-CV-1633-L**
§
LORI DAVIS, §
§
Defendant. §

ORDER

On October 1, 2018, United States Magistrate Judge Irma Carrillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court dismiss with prejudice this action under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. The magistrate judge further recommended that this dismissal count as a “strike” or “prior occasion” under 18 U.S.C. § 1915(g). No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses with prejudice** this action under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. Further, this dismissal **counts** as a “strike” or “prior occasion” under § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court

incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 7th day of November, 2018.



Sam A. Lindsay
United States District Judge